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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,173	07/03/2003	Craig D. Yarbrough	SVSN-26,380	9135

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EXAMINER	
BANGACHON, WILLIAM L	
ART UNIT	**PAPER NUMBER**
2635	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,173	YARBROUGH, CRAIG D.	
	Examiner	Art Unit	
	William Bangachon	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 2-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-7 recites the limitation **"remote identification tag holder of claim 1"**. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-3, 5 and 8-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,532,689 (Bueno) in view of USP 5,310,999 (Claus et al).

In claim 1, Bueno teaches of an identification tag component comprising:

an smart card housing (identification tag shell (4)) having an outer surface as shown in the drawing, a transmitter (9), an identification tag interface (6) communicably connected to said transmitter (9) and adapted to read identification data from an identification tag (5) {col. 2, lines 32-37}; and

Although Bueno do not disclose expressly **"means on said outer surface for holding the identification tag in communicable proximity to said identification tag interface"**, it would have been obvious to one of ordinary skill in the art to recognize that the identification tag shell (4) of Bueno contains a slot for inserting the identification tag (5) {col. 2, lines 54-59}. In this case, Claus et al is cited to teach of an exemplary identification tag (500) in a smart card toll application that is insertable in a means for holding (600), shown in Figures 4 and 5. In this case, toll payments and data stored in the smart card of Claus et al are transferred quickly {Claus et al, paragraph bridging cols. 5 and 6}. The systems of Bueno and Claus et al are analogous art because they are from the same field of endeavor, wireless authentication of smart card systems.

wherein said transmitter transmits identification data {paragraph bridging cols. 2 and 3}.

In claim 2, although Bueno do not disclose expressly **"said transmitter is an active transmitter"**, the claim limitation is a just a matter of obvious design choice and would have been obvious in the system of Bueno to add a battery to make the transmitter active (9), to one of ordinary skill in the art. Active transmitters are usually used whenever a user wishes to have a longer transmission distance.

In claims 3 and 18, the remote identification tag holder of claim 1, wherein said identification tag interface is a smart card reader (memory interface) as shown in the drawings.

In claim 5, the remote identification tag holder of claim 1, further comprising a processor (8) communicably connected to said transmitter (9) and communicably connected to said identification tag interface (6).

In claims 8, 15 and 16, the identification tag component of claim 1, wherein said identification data is authorization data {col. 2, lines 18-31}.

In claims 9 and 14, the identification tag component of claim 1, wherein said identification data identifies a person {col. 2, lines 18-31}.

In claim 10, the identification tag component of claim 1, wherein said identification data identifies equipment {col. 2, lines 32-37}.

Claim 11 recites the limitations of claim 1, further comprising;

a location receiver (2) receiving transmissions from said transmitter (9), and

a location processor (3) connected to said location receiver (2),

In claim 12, the remote identification tag identification system of claim 11, further comprising a system identification database in communication with said location processor, wherein said location processor further processes stored identification data {paragraph bridging cols. 2 and 3}.

In claim 13, although Bueno do not disclose expressly **"said location processor provides displayed identification data"**, these claim limitations are conventional, such as when used for toll collection as exemplified by Claus et al, and would have been obvious in the system of Bueno for visual notification to motorists {Claus et al, col. 5, lines 18+}, to one of ordinary skill in the art.

In claim 17, although Bueno do not disclose expressly **"a second location receiver and a second location processor, wherein said second location processor is in communication with said system identification database"**, these claim limitations would have been just a matter of design choice and would have been obvious to one of ordinary skill in the art to add as many location receivers to the

system of Bueno, depending on accuracy, dead spots, or how the signal in the system of Bueno will be picked up.

6. Claims 4, 6-7 and 19-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,532,689 (Bueno) and USP 5,310,999 (Claus et al), and further in view of US H2120 (Cudlitz).

In claims 4, 6-7 and 19-20, Bueno do not disclose "a biometric data reader communicably connected to said transmitter and processor, wherein said processor receives input biometric data from said biometric data reader and said processor processes said input biometric data and wherein stored biometric data is stored on the identification card and said processor processes said stored biometric data and said processor determines if the input biometric data is substantially related to the stored biometric data and generates a biometric verification signal and wherein said transmitter transmits said biometric verification signal". In this case, Cudlitz is relied upon to teach of a biometric data reader as claimed {Cudlitz, Figure 2, col. 1, lines 58+}. The systems of Bueno and Cudlitz are analogous art because they are from the same field of endeavor, wireless authentication of smart card systems. Cudlitz teaches that combining and ID number and biometric characteristic of an individual is beneficial in that it provides increased security and at the same time, expedite processing of smart cards passing through access gates {Cudlitz, col. 1, lines 20-37; col. 2, lines 65-67}. Obviously, it is beneficial in the system of Bueno, because Bueno is concerned with transmitting data quickly and securely from a smart card during a remote transaction.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have biometric authentication as claimed, in the system of Bueno, because it provides increased security and at the same time, expedite processing of smart cards passing through access gates, as taught by Cudlitz.

Office Contact Information

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached on 4/4/10.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Horabik can be reached on **(571)-272-3068**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

William L Bangachon
Examiner
Art Unit 2635

December 12, 2005

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
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